

E-filing

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FILED

JAN 24 2006

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 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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 WILLIAM A. LEE

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 13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 In re GILEAD SCIENCES SECURITIES
 18 LITIGATION

Master File No. C-03-4999-MJJ

CLASS ACTION

19
 20 STIPULATION AND [PROPOSED] ORDER
 21 RE: EXTENSION OF TIME TO FILE
 22 REPLY TO PLAINTIFFS' OPPOSITION TO
 23 DEFENDANTS' MOTION TO DISMISS THE
 24 FOURTH AMENDED COMPLAINT

25 Pursuant to Civil Local Rules 6-1, 6-2, 7-12, and the Standing Orders of the Hon. Martin
 26 J. Jenkins, the parties stipulate, and the Court hereby orders, as follows:

27 1. On November 8, 2005 this Court filed the Stipulation And Order Re Filing Of The
 28 Fourth Amended Complaint And Briefing Schedule ("FAC Briefing Order"), which provided that
 Plaintiffs' Fourth Amended Complaint ("FAC") be filed by December 2, 2005, that Defendants'
 motion to dismiss the FAC be filed by December 23, 2005 and that Plaintiffs' opposition be filed
 by January 17, 2006. Defendants were to have fourteen days to reply to Plaintiffs' opposition,
 with the reply brief therefore scheduled to be filed by January 31, 2006. The hearing as to
 Defendants' motion to dismiss was set for February 14, 2006.

2. Pursuant to the FAC Briefing Order, Plaintiffs filed the FAC on December 2, 2005
and Defendants filed their Motion to Dismiss Plaintiffs' Fourth Amended Complaint on
December 22, 2005.

4 3. On January 13, 2006, pursuant to plaintiffs' request and defendants' subsequent
5 agreement, the parties filed a Stipulation And Proposed Order Permitting Briefs To Be Filed In
6 Excess Of Page Limitations "(Excess Page Limit Stipulation)". This stipulation provided for an
7 opposition brief not to exceed thirty pages of text and a reply brief not to exceed twenty pages of
8 text.

9 4. Pursuant to the FAC Briefing Order, Plaintiffs filed their Opposition to
10 Defendants' Motion to Dismiss ("Opposition") on January 17, 2006. Plaintiffs' Opposition is
11 twenty-nine pages in length.

12 5. On January 20, 2006 this Court issued an Order denying the Excess Page Limit
13 Stipulation.

14 6. On January 20, 2006 Plaintiffs filed their Corrected Opposition to Defendants'
15 Motion to Dismiss ("Corrected Opposition"). The Corrected Opposition is twenty-five pages in
16 length.

17 7. Defendants and plaintiffs have met and conferred and **IT IS STIPULATED AS**
18 **FOLLOWS:**

19 8. In recognition of the above, and to permit Defendants the intended fourteen days
20 to respond to the operative opposition brief, the parties agree that Defendants shall file their reply
21 brief by February 3, 2006.

22 9. The parties hereby request that the February 14, 2006 hearing date remain on
23 calendar.

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1

2 February 23, 2006

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/s/

4 Grant P. Fondo

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11

February 23, 2006

KAPLAN FOX & KILSHEIMER LLP

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13

/s/

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ORDER

On the stipulation of the parties, and good cause appearing, Defendants shall file their reply to Plaintiffs' Opposition by February 3, 2006. The hearing on this matter remains on calendar for February 21, 2006.

IT IS SO ORDERED.

DATED: 1/24/2006


Hon. Martin J. Jenkins
United States District Judge